

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

PARIS THORPE, as Next Friend of A.B., §
and on Behalf of the Estate of Darren §
Boykin, § Case No. 05:21-cv-106-RWS-JBB
Plaintiffs, §
§
DARREN BOYKIN, Individually, §
Intervenor Plaintiff, §
§
v. §
§
JERRIKA WEAVER, BRENT HOBBS, § JURY TRIAL DEMANDED
and WILLIAM SCOTT, §
Defendants. §

**INTERVENOR PLAINTIFF'S NOTICE OF SERVICE AND DISCLOSURE OF
EXPERTS**

Intervenor Plaintiff, in accordance with the Court's December 2, 2022, Third Amended Docket Control Order and the Federal Rules of Civil Procedure 26(a)(2), hereby makes and serves his Expert Disclosures:

Respectfully submitted,

By: /s/ Daryl K. Washington
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ATTORNEY FOR INTERVENOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2022, the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Daryl K. Washington

DARYL K. WASHINGTON

I.
RETAINED EXPERTS

1. Dr. Stan V. Smith
Smith Economics Group, Ltd.
1165 N. Clark , Suite 600
Chicago, IL 60610

Dr. Stan Smith is an economist who will offer opinions and testimony regarding the nature and calculations of Plaintiff's damages.

Dr. Smith's opinions, and the basis for same, are more fully expressed in his report. A copy of Dr. Smith's report, curriculum vitae (including a list of publications), testimony list, exhibit list, and fee schedule have been provided to the Defendants.

Dr. Smith may offer other opinions and conclusions to rebut the opinions of Defendants' experts.

2. Daryl K. Washington
WASHINGTON LAW FIRM, P.C.
325 N. St. Paul, Suite 3950
Dallas, TX 75201

Mr. Washington may provide testimony regarding reasonable and necessary attorneys' fees. He will testify that factors he considers in determining reasonableness include "the time and labor required; the nature and difficulty of the responsibility assumed; the amount involved and the results obtained; the fees customarily charged for similar legal services; the experience, reputation, and ability of counsel; the fee arrangement existing between counsel and the client; and the risks taken and difficulties that were overcome by counsel in accepting an engagement of this type." Mr. Washington has been licensed since 1999 and have been with The Washington, Law Firm, P.C. since March 2009. Prior to March 2009, Mr. Washington was a partner at Shackelford Melton & McKinley, LLP and also practiced at Godwin Pappas, LLP, and Jackson Walker.

Mr. Washington's practice is concentrated in Civil Rights Law (police misconduct, police brutality, and wrongful death), Personal Injury, and Business Transactions. Washington represents clients in state and federal courts throughout the country.

Mr. Washington is a member of the Dallas Bar Association, where he served as the 2006-2007 chair of the Judicial Investiture Committee. He served on the DBA Board of Directors in 2003-04. Mr. Washington was a Patrick E. Higginbotham American Inns of Court member for 2006-09. He served as Deputy Chief of Staff for National Bar Association President Rodney G. Moore in 2008-2009. He currently serves on the Boards of Southern University Law Center Alumni Association, Grambling State University College of Business Advisory Board and formerly served as the Deputy General Counsel to the President of the National Bar Association. He currently serves as the Director of Communications for the National Bar Association. Mr. Washington has been involved in numerous civil rights cases and has provided expert analyses as

to reasonableness and necessity of attorneys' fees.

3. Michael S. Kahan
JONES KAHLAN LAW, LLC
2321 Kemper Lane
Cincinnati, OH 45206

Mr. Kahan may provide testimony regarding reasonable and necessary attorneys' fees. He will testify that factors he considers in determining reasonableness include "the time and labor required; the nature and difficulty of the responsibility assumed; the amount involved and the results obtained; the fees customarily charged for similar legal services; the experience, reputation, and ability of counsel; the fee arrangement existing between counsel and the client; and the risks taken and difficulties that were overcome by counsel in accepting an engagement of this type."

II. **NON RETAINED EXPERTS**

Although none of the following are retained experts, to the extent their testimony might constitute expert testimony, Plaintiffs reserve the right to examine the following witnesses and to solicit testimony:

1. Emily Ogden, M.D.
Southwestern Institute of Forensic Sciences at Dallas
Office of the Medical Examiner
2355 North Stemmons Freeway
Dallas, Texas 75207

It is expected that Dr. Ogden will give an opinion and testimony regarding the autopsy performed on Darren Boykin. Dr. Ogden will testify whether Darren Boykin would have experienced conscious pain and suffering prior to his death. The opinions are more fully expressed in the Autopsy Report she completed regarding the subject death.

2. Dr. Philip Whitecar, M.D.
3085 Woodman Dr.
Kettering Ohio 45420

It is expected that Dr. Whitecar will give an opinion and testimony regarding the psychological distress and the severe emotional pain, torment and suffering by Darren Boykin, Sr. resulting from the death of his son. Dr. Whitecar will offer opinions that the Intervenor Plaintiff will likely suffer emotional pain and suffering for the remainder of his life. Dr. Whitecar will offer opinions that Darren Boykin, Sr.'s life has been changed since the death of his son and that the Intervenor Plaintiff is experiencing severe depression.

3. Dr. Nancy Asamo, M.D.
Dr. Mark McCrary
Dr. Christopher McMillan
Wadley Regional Medical Center
1000 Pine Street
Texarkana, TX 75501

Dr. Asamo, Dr. McCrary and Dr. McMillan were the attending physicians for Darren Boykin's injuries. It is expected that they will testify regarding the medical distress experienced Darren Boykin experienced and the treatment he received. Their opinions will be based on their observations of Darren Boykin. Their opinions are more fully expressed in the Medical Reports they completed regarding the subject injuries. These Medical Reports have all been made available to Defendants through discovery in this action.

4. Kevin Plunk
LifeNet
6225 St. Michael Drive
Texarkana, TX 75503

Mr. Plunk was one of the responding Paramedics who attended to Darren Boykin. It is expected that he will testify regarding the medical distress experienced Darren Boykin experienced and the treatment he received. His opinions will be based on his observations of Darren Boykin.

5. Cortney Jolly
LifeNet
6225 St. Michael Drive
Texarkana, TX 75503

Cortney was one of the responding Paramedics who attended to Darren Boykin. It is expected that he will testify regarding the medical distress experienced Darren Boykin experienced and the treatment he received. His opinions will be based on his observations of Darren Boykin.

III.

OTHER PARTIES' EXPERTS

In addition to the experts identified above by the Intervenor Plaintiff, without conceding their qualifications or vouching for their opinions, may designate testimony and/or rely on the opinions from experts listed by the Plaintiff and Defendants, regardless of whether

the disclosing party has been dismissed, settled or obtained judgment in its favor prior to trial. Additionally, any Intervenor Plaintiff witness may designate testimony from experts listed by the Plaintiff and Defendants who have been deposed or noticed for deposition in this litigation, who is not a retained expert, but has special knowledge, skill, education, or experience, as to the matters discussed in the deposition or written report. Intervenor Plaintiff witness may designate testimony from any non-retained expert who prepared a report that was produced in discovery.

The Intervenor Plaintiff reserves the right to call any and all additional expert witnesses in rebuttal and/or for impeachment purposes.

IV.
RIGHT TO
SUPPLEMENT

Intervenor Plaintiff reserves the right to supplement his expert disclosures and reports as appropriate under FRCP 26(e) and 26(a)(3).